

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

JOHN J. LITWICKI,

Plaintiff,

v.

SAINT LOUIS COUNTY,  
MISSOURI and CITY OF  
CRESTWOOD, MISSOURI,

Defendants.

Case No. 4:19-cv-03192

*Removed from the Circuit Court of St. Louis  
County, MO, Case No. 19SL-CC05015*

JURY TRIAL DEMANDED

**NOTICE OF REMOVAL**

COMES NOW Defendant City of Crestwood, by and through undersigned counsel and, pursuant to 28 U.S.C. §§ 1331, 1343, 1441, and 1446, hereby removes the above-captioned action, Cause No. 19SL-CC05015 in the Circuit Court of St. Louis County, Missouri, to the United States District Court for the Eastern District of Missouri – Eastern Division. As grounds for removal, Defendant City of Crestwood states as follows:

1. On or about October 31, 2019, Plaintiff John J. Litwicki (“Plaintiff”) filed his Petition in the Circuit Court of St. Louis County, Missouri, styled *John J. Litwicki v. St. Louis County, Missouri, and City of Crestwood, Missouri*, Cause No. 19SL-CC05015. The complete contents of the state court file are attached hereto as Exhibit A.

2. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446, having been filed within 30 days of Defendant City of Crestwood’s receipt of Plaintiff’s Petition.

3. Plaintiff alleges violations of his civil rights and brings claims pursuant to 42 U.S.C. § 1983. See Exhibit A.

4. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1331

and 28 U.S.C. § 1343 because it arises under the laws of the United States and seeks to redress an alleged violation of Plaintiff's rights under the United States Constitution.

5. This action has been removed to the proper Court pursuant to 28 U.S.C. § 1441(a) because this Court is "the district court of the United States for the district and division embracing the place where such action is pending."

6. Attached to this Notice of Removal are a Civil Cover Sheet for filing in this Court and an Original Filing Form. *See Exhibit B; Exhibit C.*

7. Defendant Saint Louis County, Missouri, through counsel, has been consulted and consents to the removal of this action. *See Exhibit D.*

8. Defendant City of Crestwood will provide written notice to Plaintiff and Defendant Saint Louis County, Missouri of the filing of this Notice of Removal and will file a copy of the attached Notice to Clerk of Court of the Circuit Court of St. Louis County, Missouri, as required by 28 U.S.C. § 1446(d). *See Exhibit E.*

WHEREFORE, this action should proceed in the United States District Court for the Eastern District of Missouri – Eastern Division.

BEHR, McCARTER & POTTER, P.C.

/s/ Timothy W. Rudolph

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*Attorneys for Defendant City of Crestwood*

**CERTIFICATE OF SERVICE**

I hereby certify that on December 4, 2019, I electronically filed the above and foregoing with the Clerk of the Court using the Missouri Courts electronic filing system, which sent notification of such filing to all counsel of record. I further certify that I sent the same by United States Mail, first class, postage pre-paid and addressed to:

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/s/ Timothy W. Rudolph